

Abhilash Vs. State of Kerala

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Court : Kerala

Decided On : Nov-10-2010

Judge : V. Ramkumar, J.

Acts : Indian Penal Code (IPC) - Section 397

Appeal No. : Bail Application No. 7344 of 2010

Appellant : Abhilash

Respondent : State of Kerala

Advocate for Pet/Ap. : SRI.DILEEP P.PILLAI, Adv.

Judgement :

V. RAMKUMAR, J.

Bail Application No. 7344 of 2010

DATED: 10th November, 2010

ORDER

1. Petitioner who is the 8th accused in Crime No. 115 of 2004 of East Kallada Police Station for an offence punishable under Section 397 I.P.C. seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in S.C. No. 959/2006 on the file of the Addl. District & Sessions Court (Adhic - I) Kollam, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Sessions Court and seek regular bail. Accordingly, if the petitioner surrenders before the Sessions Court and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed notwithstanding the pendency of non-bailable warrants of arrest against the petitioner and also after considering the explanation offered by the petitioner for his previous non-appearance.

3. With the above observation this application is disposed of.

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